THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION No. 23396 of 2005

Date: 09-06-2006

Between:

N.Dimple

..... PETITIONER

AND

The Commissioner of Tribal Welfare,

DSS Bhavan, Hyderabad and two others.

....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 23396 of 2005

O R D E R:

The petitioner having appeared for EAMCET-2005 obtained the rank 63801 and appeared for counselling on

13-08-2005 for admission into Engineering Course. It is claimed by the

petitioner that she belongs to Pardhan Caste, which is notified as Scheduled Tribe. However, when she submitted Community Certificate issued by the Mandal Revenue Officer, Bahadurpura to the second respondent, having entertained *prima facie* doubt about the status of Scheduled Tribe claimed by her, she was advised to refer her case to the Director, Tribal Cultural Research and Training Institute, Hyderabad. Having considered the documents produced by the petitioner, the Commissioner of Tribal Welfare, by proceedings, dated 20-10-2005, informed the Convener, EAMCET 2005-2006 that the petitioner does not belong to Pardhan Schedule Tribe and she belongs to Pardhi community, which was never declared as Scheduled Tribe. Apprehending that on the basis of the said proceedings, the petitioner would not be granted admission into the Engineering Course, this writ petition has been filed seeking a direction to the second respondent-Convener, EAMCET to allow the petitioner to pursue her studies in BE (ECE) till finalisation of the status claimed by the petitioner.

This Court, while directing Rule Nisi, by order dated
31-10-2005, granted interim suspension of the proceedings dated 20-10-2005 and further directed the second respondent to finalise the admission of the petitioner without reference to the said proceedings. However, it was left open to the authorities concerned to take action against the petitioner under Section 5 of the Andhra Pradesh (Schedule Caste, Schedule Tribe & Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') and the Rules made thereunder.

It is not in dispute that in pursuance of the interim directions of this Court dated 31-10-2005, the petitioner was granted admission and as on today she is prosecuting her studies in the third respondent-College.

From the counter affidavit filed on behalf of the respondents, it is also clear that on a reference made by the Commissioner of Tribal Welfare Department, Andhra Pradesh, Hyderabad regarding determination of the Schedule Tribe status claimed by the petitioner, the District Collector, Hyderabad has placed the matter before the District Level Scrutiny Committee to take necessary action. In pursuance thereof, the District Level Scrutiny Committee issued a notice to the petitioner calling upon to attend the enquiry regarding her community claim and to furnish all the necessary documentary

evidence.

Learned counsel for the petitioner as well as the learned Government Pleader across the bar submitted that the said enquiry is still pending before the District Level Scrutiny Committee.

Having regard to the fact that the enquiry as contemplated under the Act with regard to determination of the Scheduled Tribe status claimed by the petitioner is still pending before the competent authority, I deem it appropriate to dispose of the writ petition granting liberty to the respondents to take appropriate action basing on the out come of such enquiry in accordance with the provisions of the Act. Till such time, the respondents are directed not to interfere with the studies of the petitioner in the third respondent College.

Accordingly, the writ petition is disposed of. No costs. A copy of this order shall be communicated to the District Collector, Hyderabad.

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G.ROHINI, J

Dated:09-06-2006

KLP